

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

| | | |
|-----------------------------------|---|---------------------|
| TERENCE KELLER, |) | |
| |) | |
| Plaintiff, |) | Civil No. 06-692-ST |
| |) | |
| v. |) | <u>ORDER</u> |
| |) | |
| WASHINGTON COUNTY and TIM MILLER, |) | |
| |) | |
| Defendants. |) | |

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JONES, Judge:

Magistrate Judge Janice M. Stewart filed Findings and Recommendation (#30) on February 15, 2007, in the above entitled case. The matter is now before me pursuant to 28 U.S.C. § 636(b)(1)(B) and Fed. R. Civ. P. 72(b). When either party objects to any portion of a magistrate judge's Findings and Recommendation, the district court must make a de novo determination of that portion of the magistrate judge's report. See 28 U.S.C. § 636(b)(1); McDonnell Douglas Corp. v. Commodore Business Machines, Inc., 656 F.2d 1309, 1313 (9th Cir. 1981), cert. denied, 455 U.S. 920 (1982).

Defendants have timely filed objections. I have, therefore, given de novo review of Magistrate Judge Stewart's rulings.

I find no error. Accordingly, I ADOPT Magistrate Judge Stewart's Findings and Recommendation (#30) dated February 15, 2007, in its entirety. Defendant Keller's motion (#8) for partial summary judgment is granted as to liability on his: (1) § 1983 claim against Miller for the continued detention after the initial arrest and detention at the jail; (2) § 1983 claim against Washington County for the detention at the jail; and (3) false imprisonment claim against Washington County, leaving for the jury whether to award any damages on those claims, and

otherwise denied, and defendants' motion (#14) for summary judgment is granted against the:
(1) § 1983 claim against Miller as to the initial arrest; and (2) negligence claim, and otherwise denied.

IT IS SO ORDERED.

DATED this 10th day of April, 2007.

/s/ Robert E. Jones

ROBERT E. JONES

United States District Judge